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13 GlaxoSmithKline) and McKesson Corporation

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO COURTHOUSE

17 MELISSA POFF, et al.,

Case No. 3:13-cv-03115-JSW

18 Plaintiffs,

19 vs.
**JOINT STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANTS TO ANSWER
COMPLAINT**

20 MCKESSON CORPORATION, et al.,

Honorable Jeffrey S. White

21 Defendants.

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28 Case No. 3:13-cv-03115-JSW

JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS TO ANSWER
COMPLAINT

JOINT STIPULATION AND [PROPOSED] ORDER

Plaintiffs in this action, Defendant GlaxoSmithKline LLC, (f/k/a SmithKline Beecham Corporation d/b/a GlaxoSmithKline) (“GSK”) and Defendant McKesson Corporation (“McKesson”), hereby submit, through their undersigned counsel of record, the following Stipulation and accompanying [Proposed] Order.

WHEREAS, Pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendants GSK, and McKesson (collectively, “Defendants”) have not yet answered the Plaintiffs’ Complaint prior to removal of this case from San Francisco Superior Court on July 3, 2013. Defendants have 21 days after “receiving--through service or otherwise--a copy of the initial pleading stating the claim for relief” and therefore have 21 days to Answer Plaintiffs’ Complaint. McKesson was served with Plaintiffs’ Complaint on July 1, 2013. GSK has not been served with Plaintiffs’ Complaint. GSK filed a Motion to Stay on July 15, 2013. Plaintiffs filed a Motion to Remand on July 12, 2013 and an Amended Motion to Remand on July 15, 2013. (*See* Declaration of Steven J. Boranian (“Boranian Decl.”) in Support of Joint Stipulation Extending Defendants’ time to Answer Complaint ¶ 7)

WHEREAS, the parties, having met and conferred, pursuant to Civil L.R 6-3, jointly stipulate to and respectfully request that this Court extend the time for Defendants to Answer the Complaint until 30 days after entry of an order on Plaintiffs' Motion to Remand. (*See* Boranian Decl. ¶ 8)

WHEREAS, the parties agree that good cause exists for the requested extension of time in order to serve the interests of judicial economy, efficiency, and fairness. This action will either be remanded to the Superior Court of San Francisco or transferred to the Avandia MDL. Therefore, in order to conserve the resources of the Court and the parties, all parties agree that Defendants' Answers should ultimately be filed should ultimately be filed in the San Francisco Superior Court or in the Avandia MDL. (See Boranian Decl. ¶ 9)

WHEREAS, no party to this case has previously requested any time modifications in this action. (*See* Boranian Decl. ¶ 10)

By the filing of this Joint Stipulation and Proposed Order, the Plaintiffs do not concede, and

1 Defendant will not argue, that the federal courts have subject matter jurisdiction over this action
2 because of the submission of this Joint Stipulation and Proposed Order.

3 WHEREAS, the requested relief would not cause any undue hardship, delay, or prejudice to
4 either party or the Court and is warranted by the circumstances in this case. (See Boranian Decl. ¶
5 11)

6 DATED: July 17, 2013

7 REED SMITH LLP
8 Michael K. Brown
9 Sonja S. Weissman
10 Steven J. Boranian

11 By: /s/ Michael K. Brown
12 Michael K. Brown
13 Attorneys for Defendants
14 GlaxoSmithKline LLC (formerly known as
15 SmithKline Beecham Corporation d/b/a
16 GlaxoSmithKline) and McKesson Corporation

17 DATED: July 17, 2013

18 LAW OFFICES OF SIN-TING MARY LIU
19 Sin-Ting Mary Liu

20 By: /s/ Sin-Ting Mary Liu
21 Sin-Ting Mary Liu
22 Attorneys for Plaintiffs

1 **[PROPOSED] ORDER**
2

3 PURSUANT TO STIPULATION, IT IS SO ORDERED
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5 DATED: July 18, 2013
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8 Honorable Jeffrey S. White
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10 REED SMITH LLP
11 A limited liability partnership formed in the State of Delaware
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